

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL MEMORANDUM**

**SB 314 – HB 1225**

April 20, 2009

**SUMMARY OF AMENDMENT (006143):** Deletes all language after the enacting clause. Requires the Administrative Office of the Courts (AOC) to revise the petition for an order of protection form to fully advise the respondent if the order of protection is granted, the respondent is required to terminate physical possession of all firearms that the respondent possesses within 48 hours of the granting of the order; that it is a criminal offense for a person subject to an order of protection to possess a firearm while that order is in effect; and that the issuance of an order of protection may terminate or suspend the individual's right to purchase or possess a firearm. Requires the order of protection to include on its face that it is a crime for a person subject to an order of protection to possess, own, carry, or purchase a firearm while such order is in effect. When an order of protection is issued, its provisions and the date and time of issuance shall be transmitted to the sheriff and all local law enforcement agencies in the county where the respondent lives. Requires the respondent to complete an "Affidavit of Firearms Dispossession" and return it to the court.

Creates a Class A misdemeanor for a person subject to an order of protection knowingly to possess a firearm or to fail to surrender or transfer all firearms the respondent possesses. Each violation shall be considered a separate offense. If violation also constitutes a violation of an order of protection or unlawful possession of a weapon, the person may be charged and convicted under any or all violations. Requires a person convicted of domestic assault to surrender all firearms possessed. Creates a Class A misdemeanor for a person to possess a firearm who has been convicted of a misdemeanor crime of domestic violence, is subject to an order of protection and is prohibited from owning a firearm, and is prohibited from owning, receiving, or purchasing a firearm under any other provision of state or federal law. If the person is licensed as a federal firearms dealer or a responsible party under a federal firearms license, the determination whether the person "possesses" firearms that constitute the business inventory shall be determined based on the applicable federal statutes or rules, regulations and official letters, ruling, and publications of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Each violation shall be considered a separate offense. Requires suspension or revocation of a handgun carry permit if a person has been convicted of domestic assault, any misdemeanor crime of domestic violence, or is subject to a current order of protection.

**SB 314 – HB 1225**

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant

Increase State Expenditures – Not Significant

Increase Local Revenue – Exceeds \$100,000

Increase Local Expenditures – Exceeds \$100,000\*

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

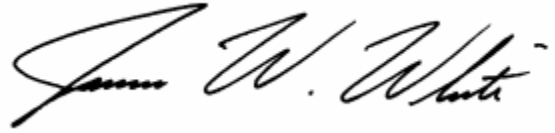
Assumptions applied to amendment:

- According to AOC, there has been an average of 7,191 filings for orders of protection in chancery or circuit court in each of the past three years. State court filings are 10 percent of the total filings. Total filings, including general sessions courts, are estimated to be an average of 71,910 per year.
- The District Attorneys General Conference and the District Public Defenders Conference may need additional assistant district attorney (ADA) and assistant public defender (APD) positions to handle the increased workload. The bill does not authorize additional ADA or APD positions. Additional ADA or APD positions cannot be created or funded absent statutory authorization.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- Any impact on the state trial court system can be accommodated within existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/lsc